

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

LISA GATHERS *and* ROBERT JAHODA,

Plaintiffs,

v.

NEW YORK & COMPANY, INC.,

Defendant.

No. 2:16-cv-01375-AJS

LEAD CASE

AUDRA DEPINA *and* ROBERT JAHODA,

Plaintiffs,

v.

BURBERRY LIMITED, *a New York Corporation*,

Defendant.

No. 2:16-cv-01387-AJS

MEMBER CASE

DASHAWN HOLT *and* ROBERT JAHODA,

Plaintiffs,

v.

VANTAGE HOSPITALITY GROUP, INC.

Defendant.

No. 2:16-cv-01496-AJS

MEMBER CASE

LISA FRAZIER *and* SOPHIA MONTANO,

Plaintiffs,

v.

THE BURTON CORPORATION,

Defendant.

No. 2:16-cv-01562-AJS

MEMBER CASE

LISA FRAZIER, ACCESS NOW, INC., *and* R.
DAVID NEW,

Plaintiffs,

v.

HSBC NORTH AMERICA HOLDINGS, INC.,

No. 2:16-cv-01665-AJS

MEMBER CASE

Defendant.	
LISA FRAZIER, ACCESS NOW, INC., a not-for-profit corporation, <i>and</i> R. DAVID NEW,	No. 2:16-cv-01681-AJS
Plaintiffs,	
v.	MEMBER CASE
GNC HOLDINGS, INC.,	
Defendant.	
RACHEL GNIEWKOWSKI, ACCESS NOW, INC., a not-for-profit corporation, <i>and</i> R. DAVID NEW,	No. 2:16-cv-01686-AJS
Plaintiffs,	
v.	MEMBER CASE
PARTY CITY HOLDCO, INC.,	
Defendant.	
RACHEL GNIEWKOWSKI, ACCESS NOW, INC., a not-for-profit corporation, <i>and</i> R. DAVID NEW,	No. 2:16-cv-01694-AJS
Plaintiffs,	
v.	MEMBER CASE
PETSMART, INC.,	
Defendant.	

JOINT STATUS REPORT

On September 30, 2016, this Court issued an Order setting an Initial Case Management Conference for December 14, 2016 at 10:00 AM before Judge Arthur J. Schwab. This Order also directed the parties to file the following documents by December 5, 2016: (1) 26(f) Report, (2)

Proposed Case Management Order, and (3) ADR Stipulation. ECF No. 4. The parties intend to comply with this filing deadline.

In addition to ECF. No. 4, the Court issued a Text Order on November 28, 2016, providing:

TEXT ORDER - By Noon on 11/30/16, the parties shall file a Joint Status Report indicating the date(s) scheduled for mediation for each of the above cases in accordance with TEXT ORDER of 11/10/16 doc. no. 30. Signed by Judge Arthur J. Schwab on 11/28/16. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) (Entered: 11/28/2016)

ECF No. 41. Pursuant to ECF No. 41, Counsel for Plaintiff's in the above related cases provide this status update as to each action.

SUMMARY OF CASES

Gathers, et al v. New York & Company, Inc. No. 2:16-cv-01375-AJS LEAD CASE	<u>Defendant's Counsel</u> James S. Malloy Gregory F. Hurley Michael J. Chilleen <u>Meet-and-Confer Date</u> November 23, 2016 <u>Mediation Date</u> December 22, 2016 with Arthur H. Stroyd
Depina, et al v. Burberry Limited No. 2:16-cv-01387-AJS MEMBER CASE	<u>Defendant's Counsel</u> James S. Malloy Gregory F. Hurley Michael J. Chilleen <u>Meet-and-Confer Date</u> November 23, 2016 <u>Mediation Date</u> The parties have reached preliminary terms of settlement and anticipate filing a stipulation of dismissal by the date of the Initial Case Management Conference.

Holt, et al v. Vantage Hospitality Group, Inc. No. 2:16-cv-01496-AJS MEMBER CASE	<u>Defendant's Counsel</u> James S. Malloy <u>Meet-and-Confer Date</u> November 23, 2016 <u>Mediation Date</u> December 20, 2016
Frazier, et al v. The Burton Corporation No. 2:16-cv-01562-AJS MEMBER CASE	<u>Defendant's Counsel</u> Kevin M. O'Hagan <u>Meet-and-Confer Date</u> The parties' meet-and-confer conversation is ongoing. See ECF No. 43. <u>Mediation Date</u> The parties are in communication and will have a date by the December 5, 2016 filing deadline. See ECF No. 4.
Frazier, et al v. HSBC North America Holdings, Inc. No. 2:16-cv-01665-AJS MEMBER CASE	<u>Defendant's Counsel</u> Matthew J. Louik Amy L. Groff <u>Meet-and-Confer Date</u> The parties are in communication and are working cooperatively to schedule a meet-and-confer. <u>Mediation Date</u> The parties are in communication and are working to provide a date by the December 5, 2016 filing deadline. See ECF No. 4.
Frazier, et al v. GNC Holdings, Inc. No. 2:16-cv-01681-AJS MEMBER CASE	<u>Defendant's Counsel</u> James S. Malloy Gregory F. Hurley Michael J. Chilleen <u>Meet-and-Confer Date</u> November 23, 2016

	<u>Mediation Date</u> December 22, 2016 with Arthur H. Stroyd
Gniewkowski, et al v. Party City Holdco, Inc. No. 2:16-cv-01686-AJS MEMBER CASE	<u>Defendant's Counsel</u> Jonathan R. Harrington <u>Meet-and-Confer Date</u> The parties are in communication and are working cooperatively to schedule a meet-and-confer. <u>Mediation Date</u> The parties are in communication and will have an anticipated date by the December 5, 2016 filing deadline. See ECF No. 4.
Gniewkowski, et al v. PetSmart, Inc. No. 2:16-cv-01694-AJS MEMBER CASE	<u>Defendant's Counsel</u> James S. Malloy Gregory F. Hurley Michael J. Chilleen <u>Meet-and-Confer Date</u> November 23, 2016 <u>Mediation Date</u> December 22, 2016 with Arthur H. Stroyd

Respectfully submitted,

Counsel for Plaintiffs:

/s/ Benjamin J. Sweet
Benjamin J. Sweet, Esquire
/s/ R. Bruce Carlson
R. Bruce Carlson, Esquire
Stephanie K. Goldin, Esquire
Carlson Lynch Sweet & Kilpela, LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
412-322-9243 (phone)

Counsel for Defendant New York & Company, Inc.; Burberry Limited; GNC Holdings, Inc.; and PetSmart, Inc.:

/s/ James S. Malloy
James S. Malloy
Dingess, Foster, Luciana, Davidson, & Chleboski, LLP
PNC Center, Third Floor
20 Stanwix Street
Pittsburgh, PA 15222

412-231-0246 (fax)
bcarlson@carlsonlynch.com
bsweet@carlsonlynch.com
sgoldin@carlsonlynch.com

412-926-1817 (phone)
412-926-1801 (fax)
jmalloy@dflegal.com

Gregory F. Hurley
Michael J. Chilleen
Sheppard Mullin Richter & Hampton LLP
650 Town Center Drive, 4th Floor
Costa Mesa, CA 92626-1993
714-513-5100 (phone)
714-513-5130 (fax)
ghurley@sheppardmullin.com
mchilleen@sheppardmullin.com

Counsel for Defendant Vantage Hospitality Group, Inc.

/s/ James S. Malloy
James S. Malloy

Counsel for Defendant The Burton Corporation

/s/ Kevin M. O'Hagan
Kevin M. O'Hagan
O'Hagan LLC
One East Wacker Drive, Suite 3400
Chicago, IL 60601
312-422-6100 (phone)
312-422-6110 (fax)
kohagan@ohaganlaw.com

Counsel for Defendant HSBC North America Holdings, Inc.

/s/ Amy L. Groff
Amy L. Groff
Matthew J. Louik
K&L Gates, LLP
17 North Second Street, 18th Floor
Harrisburg, PA 17101-1507
max.louik@klgates.com
amy.groff@klgates.com

Counsel for Defendant Party City Holdco, Inc.

/s/ Jonathan R. Harrington

Jonathan R. Harrington

Campolo, Middleton & McCormick, LLP

4175 Veterans Memorial Highway, Suite 400

1 Ronkonkoma, NY 11779

jharrington@cmmllp.com